

1 **STIP**

2 **BRIAN J. SMITH, ESQ.**

3 **State Bar Number 11279**

4 **9525 Hillwood Dr., Suite 190**

5 **Las Vegas, Nevada 89134**

6 **702-380-8248**

7 **brian@bjsmithcriminaldefense.com**

8 **Attorney for SEHDEV**

9 **UNITED STATES DISTRICT COURT**

10 **IN AND FOR THE DISTRICT OF NEVADA**

11 **UNITED STATES OF AMERICA,**

12 **Plaintiff,**

13 **vs.**

14 **ASHOK SEHDEV,**

15 **JOSE LUIS MONTOYA,**

16 **Defendants.**

17 **Case No.: 2:17-mj-00683-CWH**

18 **STIPULATION TO CONTINUE**
19 **PRELIMINARY HEARING**

20 **(FIFTH REQUEST)**

21 IT IS STIPULATED between the defendant ASHOK SEHDEV through his attorney
22 BRIAN J. SMITH, ESQ., defendant JOSE LUIS MONTOYA through his attorney THOMAS
23 BOLEY, ESQ., and the United States of America, through CRISTINA SILVA, Assistant United
24 States Attorney, that the Preliminary Hearing currently scheduled for February 12, 2018, at the
25 hour of 4:00 p.m., be vacated and set to a date and time convenient to this court, but no event
26 earlier than sixty (60) days.

27 This Stipulation is entered for the following reasons:

- 28 1. There have been four previous continuances granted to the defense in this case.
2. Defense counsel was retained on July 7, 2017.
3. The parties will require more time to negotiate a resolution on this matter.
4. The parties agree to the continuance.
5. Also, denial of this request or continuance would result in a miscarriage of justice.
6. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

1 7. This is the fifth request for a continuance of the Preliminary Hearing.
2 DATED this 9th day of February, 2018.

3 RESPECTFULLY SUBMITTED BY:

4
5 /s/Cristina Silva
6 CRISTINA SILVA
7 Assistant United States Attorney

 /s/ Brian J. Smith
 BRIAN J. SMITH
 Attorney for SEHDEV

 /s/ Thomas Boley
 THOMAS BOLEY
 Attorney for MONTOYA

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10 **UNITED STATES DISTRICT COURT**
11 **IN AND FOR THE DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**)

13 **Plaintiff,**)

14 **vs.**)

15 **ASHOK SEHDEV,**)
16 **JOSE LUIS MONTOYA,**)

17 **Defendants.**)
18 _____)

Case No.: 2:17-mj-00683-CWH

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**

(FIFTH REQUEST)

19 **FINDINGS OF FACT**

20 Based upon the submitted Stipulation, and good cause appearing therefore, the Court finds
21 that:

- 22 1. The parties will require more time to negotiate a resolution on this matter.
- 23 2. The parties agree to the continuance.

24 **CONCLUSIONS OF LAW**

- 25 1. Denial of this request for continuance would deny the defendant sufficient time to
26 be able to fairly resolve his case, taking into account the exercise of due diligence
- 27 2. Additionally, denial of this request for continuance would result in a miscarriage of
28 justice.
3. The additional time requested by the stipulation, is excludable in computing the
time within which the trial herein must commence pursuant to the Speedy Trial Act,

1 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. §
2 3161(h)(7)(B)(i) and (iv).

3 4. This is the fifth request for a continuance.
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5 **ORDER**

6 **IT IS ORDERED** that the Preliminary Hearing currently scheduled for February 12, 2018,
7 at the hour of 4:00 p.m., be vacated and continued to April 16, 2018 at 4:00 p.m.
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10 _____
UNITED STATES MAGISTRATE JUDGE

11 DATED: February 12, 2018
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